

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CAPNA IP CAPITAL LLC,

Plaintiff,

v.

ROOT SCIENCES LLC,

Defendant.

CASE NO. 23-cv-00282-TSZ

**STIPULATED MOTION AND ORDER  
TO EXTEND EXPERT TESTIMONY  
DISCLOSURE AND REBUTTAL  
EXPERT REPORT AND DISCOVERY  
MOTION AND COMPLETION  
DEADLINES**

1. STIPULATION

Defendant Root Sciences LLC and Plaintiff Capna IP Capital LLC, by and through their undersigned counsel of record, hereby respectfully request that the Court (i) extend the deadline for disclosure of reports from expert witnesses under FRCP 26(a)(2) from April 8, 2024, to 14 days after the Claim Construction Order is issued, (ii) extend the filing deadline for rebuttal expert reports from May 8, 2024, to 44 days after the Claim Construction Order is issued, (iii) extend the filing deadline for discovery motions from May 30, 2024, to 66 days after the Claim Construction Order is issued, and (iv) extend the deadline to complete discovery from July 8, 2024 to 104 days after the Claim Construction Order is issued.

In support of that request, the parties stipulate and agree as follows:

- 1 1. Good cause exists to extend these deadlines. The parties are awaiting the Court's ruling on  
2 claim construction and indefiniteness for fifteen (15) claim terms which will result in a  
3 claim construction order (the "Claim Construction Order") by the Court. These rulings and  
4 Claim Construction Order will directly impact the expert opinions and findings in the  
5 expert reports and the discovery. The expert opinions will rely heavily on the construction  
6 of the terms, and if claims or terms are found indefinite, the validity of the Asserted Patents  
7 will be in question. The ruling will also direct discovery, especially depositions and the  
8 processes in the Asserted Patents that use the claim terms. Finally, the ruling on the claim  
9 construction is critical to the comparison of the Accused Instrumentalities to the Accused  
10 Patents.
- 11 2. The parties agree that the following deadlines should be extended:
  - 12 a. Extend the deadline for disclosure of reports from expert witnesses under FRCP  
13 26(a)(2) from April 8, 2024, to fourteen (14) days after the Claim Construction  
14 Order is issued.
  - 15 b. Extend the filing deadline for rebuttal expert reports from May 8, 2024, to forty-  
16 four (44) days after the Claim Construction Order is issued.
  - 17 c. Extend the filing deadline for discovery motions from May 30, 2024, to sixty-six  
18 (66) days after the Claim Construction Order is issued.
  - 19 d. Extend the deadline to complete discovery from July 8, 2024, to one hundred four  
20 (104) days after the Claim Construction Order is issued.
- 21 3. The requested extensions of time for these deadlines will not affect any other case deadlines  
22 or the trial date.
- 23 4. For the foregoing reasons, the parties respectfully request that the Court enter the subjoined  
24 Order below extending these deadlines.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 DATED: April 1, 2024

s/David A. Lowe

Attorneys for Capna IP Capital LLC

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15 DATED: April 1, 2024

s/Mark G. Emde

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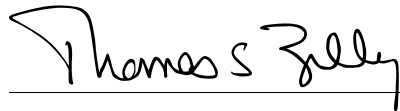
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**ORDER**

Based on the foregoing stipulation of the parties, IT IS HEREBY ORDERED that:

1. The deadline for disclosure of reports from expert witnesses under FRCP 26(a)(2) shall be extended from April 8, 2024, to fourteen (14) days after the Claim Construction Order is issued;
2. The filing deadline for rebuttal expert reports shall be extended from May 8, 2024, to forty-four (44) days after the Claim Construction Order is issued;
3. The filing deadline for discovery motions shall be extended from May 30, 2024, to sixty-six (66) days after the Claim Construction Order is issued; and
4. The deadline to complete discovery shall be extended from July 8, 2024 to one hundred four (104) days after the Claim Construction Order is issued.

DATED: April 4, 2024



The Honorable Judge Thomas S. Zilly  
United States District Court Judge